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JC698 U.S. PRO

01-24-02 A

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. SJ-01-0022

First Inventor or Application Identifier: Atkinson

Title of Invention: Diagnostic Assay for  
Antibiotic Tolerance

Express Mail Label No. EL321868735US

1C698 U.S. PRO  
10/05/2001  
11/13/01

ADDRESS TO: **BOX PATENT APPLICATION  
COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231**



**28258**

PATENT TRADEMARK OFFICE

Transmitted herewith for filing in the United States Patent Office is a patent application for:

Inventors:

**COPY OF PAPERS  
ORIGINALLY FILED**

Assignee of this invention is St. Jude Children's Research Hospital, Inc.

1.  The Filing Fee has been calculated as shown below:
2.  Applicant claims Small Entity Status. See 37 CFR 1.27.

Small Entity			
No. Filed	No. Extra	Rate	Fee
BASIC FEE			\$370.00
TOTAL CLAIMS: 16 - 20 =	0	X 9 =	\$0
INDEP CLAIMS: 4 - 3 =	1	X 40 =	\$40
[ <input type="checkbox"/> ] MULTIPLE DEPENDENT CLAIMS PRESENTED		+135 =	\$0
* If the difference in Column 1 is less than zero, enter "0" in Column 2.			TOTAL \$ 410.00

The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Acct. No. 501968.

- a.  Fees required under 37 CFR 1.16 (National filing fees).
- b.  Fees requested under 37 CFR 1.17 (National application processing fees).
3.  Specification, 22 Total Pages, including 4 pages of claims and a 1 page abstract
4.  0 Sheets of Formal Drawing(s) (35 USC 113)
5.  Declaration and Power of Attorney; [Total Pages 2]
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 CFR 1.63(d))  
*(for continuation/divisional with Box 18 completed)*
  - i.  DELETION OF INVENTOR(S) Signed statement attached deleting  
inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) & 1.33(b).
6.  Application Data Sheet. See 37 CFR 1.76

7. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)

- a.  Computer Readable Copy (CRF)
- b.  Request for Transfer of Computer Readable Form of Sequence Listing under 37 CFR § 1.821(e) and MPEP 2422.05
- c.  Specification Sequence Listing on:
  - i.  CD-ROM or CD-R (2 copies); or
  - ii.  Paper (4 Pages)
- d.  Statement verifying identity of above copies

## **ACCOMPANYING APPLICATION PARTS**

8.  Assignment Papers (cover sheet & document(s)) (including a check for the \$40.00 fee)

9.  Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)

10.  Request for Early Publication Under 37 CFR 1.219 or its equivalent.

## 11. CORRESPONDENCE ADDRESS

**CUSTOMER NUMBER 28258**

**Signature:**

Attorney/Agent of Record: James Scott Elmer  
Attorney/Agent Registration No. 36,129  
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"Express Mail" mailing label number EL321868735US

Date of Deposit: November 13, 2001

Date of Deposit: November 13, 2001  
I hereby certify that this paper  
Office to Addressee" service under 37  
Commissioner for Patents, Washington

Regina D. McKinney

(Utility Patent Application Transmittal) Page 2 of 2



# St. Jude Children's Research Hospital

ALSAC • Danny Thomas, Founder

## OFFICE OF TECHNOLOGY LICENSING

PHONE: 901-495-2342  
FAX: 901-495-3148



28258

PATENT TRADEMARK OFFICE

November 13, 2001

Commissioner for Patents  
Washington, D.C. 20231

### *Box Patent Application*

Re: U.S. Non-Provisional Utility Patent Application under 37 C.F.R. § 1.53(b)  
Appl. No. To be assigned; Filed: Herewith (November 13, 2001)  
For: Diagnostic Assay for Antibiotic Tolerance  
Inventors: Atkinson and Tuomanen  
Our Ref: SJ-01-0022

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. PTO Utility Patent Application Transmittal (*in duplicate; 2 pages each, 4 pages total*);
2. U.S. Utility Patent Application entitled:

### **Diagnostic Assay for Antibiotic Tolerance**

and naming as inventors:

Robyn M. Atkinson, and  
Elaine I. Tuomanen

the application consisting of:

- a. A specification totaling 22 pages containing:
  - i. 17 pages of description prior to the claims;
  - ii. 4 pages of claims (16 claims); and
  - iii. a one (1) page abstract.

4. Request for Early Publication under 37 C.F.R. § 1.219 (1 page);

5. Verified Statement Claiming Small Entity Status (2 pages);

6. Sequence Listing in computer readable (3.5 inch computer disc) and paper (4 pages) form along with a statement verifying the identity of both forms (1 page).

7. Executed Declaration and Power of Attorney for Patent Application (2 pages);

8. Executed Assignment and recordation cover sheet (4 pages);

9. Express Mail Label No. EL321868735US; and

10. Two (2) self-addressed and stamped return postcards.

Please charge Deposit Account No. 501968 a total of \$775.00 to cover:

\$410.00	Small Entity fees under 37 C.F.R. §1.16(a) and (b) for filing a utility patent application with excess independent claims;
\$300.00	Fee under 37 C.F.R. §1.18(d) for Early Publication Request
\$40.00	Assignment recordation fee under 37 C.F.R. §1.21(h).

The Commissioner is hereby authorized to charge any additional payment required by this submission, or credit any overpayment, to Deposit Account No. 501968.

Regards,



J. Scott Elmer  
Reg. No. 36,129  
Director, Office of  
Technology Licensing

JSE:rdm

Enclosures

PATENT APPLICATION SERIAL NO. \_\_\_\_\_

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

01/29/2002 RMEBRAHT 00000061 501968 10054225

01 FC:201 370.00 CH  
02 FC:202 42.00 CH  
03 FC:195 300.00 CH

PTO-1556  
(5/87)

\*U.S. GPO: 2000-468-987/39595

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Atkinson *et al*  
Appln. No.: To be assigned  
Filed: Herewith  
For: Diagnostic Assay for Antibiotic Tolerance



28258

PATENT TRADEMARK OFFICE

Date: November 13, 2001

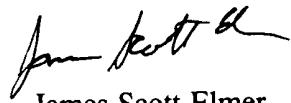
Box Patent Application  
Commissioner for Patents  
Washington, DC 20231

**REQUEST FOR EARLY PUBLICATION  
UNDER 37 C.F.R. § 1.219**

Sir:

Applicant hereby requests early publication of this patent application under 37 C.F.R. § 1.219. Please charge the fee of \$300.00 under 37 C.F.R. § 1.18 to deposit account no. 501968. Any deficiency may be charged to deposit account 501968.

Respectfully submitted,



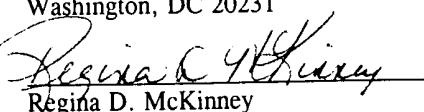
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**CERTIFICATE OF EXPRESS MAILING**

"Express Mail" mailing label number EL321868735US  
Date of Deposit November 13, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, Commissioner for Patents, Washington, DC 20231



Regina D. McKinney